HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 8414 OF 2005

Dated 9th June, 2006

Between:
Prathima Educational Society, Hyderabad.

… Petitioner

And

The All India Council for Technical Education,
Indira Gandhi Sports Complex, I.P. Estate,
New Delhi, represented by its Member Secretary
and another.

… Respondents.

ORDER:

The petitioner, a society running educational institutions, filed this writ petition questioning the proceedings issued by the Southern Regional Office of the All India Council for Technical Education.

The respondent-Council issued notification inviting applications for establishment of new Technical Institutions during the academic year 2005-06. The petitioner-society has submitted its proposals for establishment of a Pharmacy College in the name Prathima Pharmacy College, in Karimnagar District. The said proposals were rejected mainly on the ground that the land, which is shown by the society for starting the Pharmacy College, is a mortgaged land.

It is always open for the societies to mortgage the land to generate funds for running the institution. But, however, from a reading of the counter-affidavit and the guidelines framed by the All India Council for Technical Education, it is clear that the land, which is required should be free from any encumbrances. However, when the matter is taken up for consideration, it is submitted by the learned counsel for the petitioner that the petitioner-society is prepared to show the land, which is free from encumbrances, in accordance with the guidelines.

In view the submission made by the learned counsel for the petitioner, this writ petition is disposed of directing the respondent-competent authority to consider the proposal of the petitioner, in case, the petitioner complies with the condition of showing the required land with ownership documents, which is free from any

encumbrances and also complies all other required conditions.

It is stated that the next meeting of the Board is scheduled to be held on 12.6.2006. In such a case, the respondent-competent authority may consider the application of the petitioner in the next Board meeting or as early as possible and, preferably, within a period of six weeks from the date of the receipt of the order.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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9.6.2006 **(R.SUBHASH REDDY, J.)**

VR

Note:
Issue cc in three days.
(BO)
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